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ADDITIONAL PROTOCOL I TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA

Done at Mexico February 14, 1967

S9.10:

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89–497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

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MULTILATERAL

Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America

Done at Mexico February 14, 1967;
Transmitted by the President of the United States of America to the Senate May 24, 1978 (S. Ex. I, 95th Cong., 2d Sess.);
Reported favorably by the Senate Committee on Foreign Relations October 19, 1981 (S. Ex. Rep. No. 97-23, 97th Cong., 1st Sess.);
Advice and consent to ratification by the Senate, with understandings, November 13, 1981;
Ratified by the President, with said understandings, November 19, 1981;
Ratification of the United States of America deposited with Mexico November 23, 1981;
Proclaimed by the President December 14, 1981;
Entered into force with respect to the United States of America November 23, 1981.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America was signed on behalf of the United States of America at Mexico City on May 26, 1977, a certified copy of which is hereto annexed;[1]

The Senate of the United States of America by its resolution of November 13, 1981, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of Additional Protocol I, subject to the following understandings:

1) That the provisions of the Treaty made applicable by this Additional Protocol do not affect the exclusive power and legal

[1] Texts of the English, French, Portuguese and Spanish languages as certified by the Department of Foreign Relations of Mexico.

READEX FICHE

competence under international law of a State adhering to this Protocol to grant or deny transit and transport privileges to its own or any other vessels or aircraft irrespective of cargo or armaments.

2) That the provisions of the Treaty made applicable by this Additional Protocol do not affect rights under international law of a State adhering to this Protocol regarding the exercise of the freedom of the seas, or regarding passage through or over waters subject to the sovereignty of a State.

3) That the understandings and declarations attached by the United States to its ratification of Additional Protocol II (text attached)[1] apply also to its ratification of Additional Protocol I.

The President of the United States of America on November 19, 1981, ratified Additional Protocol I, subject to the said understandings, in pursuance of the advice and consent of the Senate, and the United States of America deposited its instrument of ratification with the Government of the United Mexican States on November 23, 1981;

Pursuant to the provisions of Additional Protocol I, Additional Protocol I, subject to the said understandings, entered into force for the United States of America on November 23, 1981;

NOW, THEREFORE, I, Ronald Reagan, President of the United States of America, proclaim and make public Additional Protocol I, subject to the said understandings, to the end that it shall be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this fourteenth day of December in
[SEAL] the year of our Lord one thousand nine hundred eighty-one and of the Independence of the United States of America the two hundred sixth.

RONALD REAGAN

By the President:
ALEXANDER M. HAIG JR
Secretary of State

[1] See pp. 3–4.

UNDERSTANDINGS AND DECLARATIONS ATTACHED BY THE UNITED STATES TO ITS RATIFICATION OF ADDITIONAL PROTOCOL II [1]

I. That the United States Government understands the reference in Article 3 of the treaty to "its own legislation" to relate only to such legislation as is compatible with the rules of international law and as involves an exercise of sovereignty consistent with those rules, and accordingly that ratification of Additional Protocol II by the United States Government could not be regarded as implying recognition, for the purpose of this treaty and its protocols, or for any other purpose, of any legislation which did not, in the view of the United States, comply with the relevant rules of international law.

That the United States Government takes note of the Preparatory Commission's interpretation of the treaty, as set forth in the Final Act, that, governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the treaty, to grant or deny non-contracting parties transit and transport privileges.

That as regards the undertaking in Article 3 of Protocol II not to use or threaten to use nuclear weapons against the Contracting Parties, the United States Government would have to consider that an armed attack by a Contracting Party, in which it was assisted by a nuclear-weapon state, would be incompatible with the Contracting Party's corresponding obligations under Article 1 of the treaty.

II. That the United States Government considers that the technology of making nuclear explosive devices for peaceful purposes is indistinguishable from the technology of making nuclear weapons, and that nuclear weapons and nuclear explosive devices for peaceful purposes are both capable of releasing nuclear energy in an uncontrolled manner and have the common group of characteristics of large amounts of energy generated instantaneously from a compact source. Therefore the United States Government understands the definition contained in Article 5 of the treaty as necessarily encompassing all nuclear explosive devices. It also understood that Articles 1 and 5 restrict accordingly the activities of the contracting parties under paragraph 1 of Article 18.

That the United States Government understands that paragraph 4 of Article 18 of the treaty permits, and that United States adherence to Protocol II will not prevent, collaboration by the United States with contracting parties for the purpose of carrying out explosions of nuclear devices for peaceful purposes in a manner consistent

[1] May 8, 1971. TIAS 7137; 22 UST 760.

with a policy of not contributing to the proliferation of nuclear weapons capabilities. In this connection, the United States Government notes Article V of the Treaty on the Non-Proliferation of Nuclear Weapons, under which it joined in an undertaking to take appropriate measures to ensure that potential benefits of peaceful applications of nuclear explosions would be made available to non-nuclear-weapons states party to that treaty, and reaffirms its willingness to extend such undertaking, on the same basis, to states precluded by the present treaty from manufacturing or acquiring any nuclear explosive device.

III. That the United States Government also declares that, although not required by Protocol II, it will act with respect to such territories of Protocol I adherents as are within the geographical area defined in paragraph 2 of Article 4 of the treaty in the same manner as Protocol II requires it to act with respect to the territories of contracting parties.

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

CONVINCED that the Treaty for the Prohibition of Nuclear Weapons in Latin America,[1] negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

AWARE that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

DESIRING to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

ARTICLE 1. To undertake to apply the status of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

ARTICLE 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

ARTICLE 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

N.J.A. CHEETHAM

FOR THE KINGDOM OF THE NETHERLANDS:

S. VAN HEEMSTRA

FOR THE UNITED STATES OF AMERICA:

JIMMY CARTER

[1] Done Feb. 14, 1967. TIAS 7137; 22 UST 762.

PROTOCOLE ADDITIONNEL I

Les Plénipotentaires soussignés, munis des pleins pouvoirs de leurs gouvernements respectifs,

CONVAINCUS que le Traité visant l'interdiction des armes nucléaires en Amérique latine, négocié et signé en application des recommandations de l'Assemblée générale de l'Organisation des Nations Unies, contenues dans la résolution 1911 (XVIII) du 27 novembre 1963, représente une mesure importante en vue d'assurer la non-prolifération des armes nucléaires,

CONSCIENTS du fait que la non-prolifération des armes nucléaires ne constitue pas une fin en soi, mais un moyen d'aboutir, à une étape ultérieure, au désarmement général et complet,

DÉSIREUX de contribuer, dans la mesure de leurs possibilités, à mettre un terme à la course aux armements, notamment dans le domaine des armes nucléaires, et à favoriser et à consolider la paix mondiale fondée sur le respect mutuel et l'égalité souveraine des États,

Sont convenus de ce qui suit:

1. De s'engager à appliquer sur les territoires dont ils sont internationalement responsables de jure ou de facto, et qui sont situés dans les limites de la zone géographique établie par le Traité visant l'interdiction des armes nucléaires en Amérique latine, le statut de dénucléarisation par rapport à toute fin belliqueuse, qui a été défini aux articles 1, 3, 5 et 13 dudit traité.

2. Le présent Protocole aura la même durée que le Traité visant l'interdiction des armes nucléaires en Amérique latine, dont il est une annexe, les clauses relatives à la ratification et à la denonciation qui figurent dans le traité lui étant applicables.

3. Le présent Protocole entrera en vigueur pour les États qui l'auraient ratifié à la date du dépôt de leurs instruments respectifs de ratification.

En foi de quoi, les Plénipotentaires soussignés, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, signent le présent Protocole, au nom de leurs gouvernements respectifs.

POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:

N.J.S. CHEETHAM

POUR LE ROYAUME DES PAYS-BAS:

S. VAN HEEMSTRA

POUR LES ETATS-UNIS D'AMERIQUE:

JIMMY CARTER

PROTOCOLO ADICIONAL I

Os Plenipotenciários abaixo assinados, providos de plenos poderes dos seus respectivos Governos,

CONVENCIDOS de que o Tratado para a Proscrição de Armas Nucleares na América Latina, negociado e assinado em cumprimento das recomendações da Assembléia Geral das Nações Unidas, constantes da Resolução 1911 (XVIII) de 27 de novembro de 1963, representa um importante passo para assegurar a não proliferação de armas nucleares;

CONSCIENTES de que a não proliferação de armas nucleares não constitui um fim em si mesma, mas um meio para atingir, em etapa ulterior, o desarmamento geral e completo, e

DESEJOSOS de contribuir, na medida de suas possibilidades, para pôr têrmo à corrida armamentista, especialmente no campo das armas nucleares, e a favorecer a consolidação da paz no mundo, baseada no respeito mútuo e na igualdade soberana dos Estados

Convieram o seguinte:

ARTIGO 1. Comprometer-se a applicar, nos territórios que de jure ou de facto estejam sob sua responsabilidade internacional, compreendidos dentro dos limites da área geográfica estabelecida no Tratado para a Prosçricão de Armas Nucleares na América Latina, o estatuto de desnuclearização para fins bélicos que se encontra definido nos artigos 1, 3, 5 e 13 do mencionado Tratado.

ARTIGO 2. O presente Protocolo terá a mesma duração que o Tratado para a Proscrição de Armas Nucleares na América Latina, do qual á Anexo, aplicando-se a êle as cláusulas referentes a ratificação e denúncia que figuram no corpo do Tratado.

ARTIGO 3. O presente Protocolo entrará em vigor, para os Estados que o houverem ratificado, na data em que depositem seus respectivos instrumentos de ratificação.

Em testemunho do que, os Plenipotenciários abaixo assinados, havendo depositado seus plenos poderes, que foram achados em boa e devida forma, assinam o presente Protocolo, em nome de seus respectivos Governos.

PELO REINO UNIDO DA GRÊ-BRETANHA E IRLANDA DO NORTE:

N.J.A. CHEETHAM

PELO REINO DOS PAISES BAIXOS:

S. VAN HEEMSTRA

PELOS ESTADOS UNIDOS DA AMERICA:

JIMMY CARTER

PROTOCOLO ADICIONAL I

Los Plenipotenciarios infrascritos, provistos de Plenos Poderes de sus respectivos Gobiernos,

CONVENCIDOS de que el Tratado para la Proscripción de las Armas Nucleares en la América Latina, negociado y firmado en cumplimiento de las recomendaciones de la Asamblea General de las Naciones Unidas, contenidas en la Resolución 1911 (XVIII) de 27 de noviembre de 1963, representa un importante paso para asegurar la no proliferación de las armas nucleares;

CONSCIENTES de que la no proliferación de las armas nucleares no constituye un fin en sí misma, sino un medio para alcanzar, en una etapa ulterior, el desarme general y completo, y

DESEOSOS de contribuir, en la medida de sus posibilidades, a poner fin a la carrera de armamentos, especialmente en el campo de las armas nucleares, y favorecer la consolidación de la paz en el mundo, fundada en el respeto mutuo y en la igualdad soberana de los Estados,

Han convenido en lo siguiente:

ARTÍCULO 1. Comprometerse a aplicar en los territorios que de jure o de facto estén bajo su responsabilidad internacional, comprendidos dentro de los límites de la zona geográfica establecida en el Tratado para la Proscripción de las Armas Nucleares en la América Latina, el estatuto de desnuclearización para fines bélicos que se halla definido en los artículos 1, 3, 5 y 13 de dicho Tratado.

ARTÍCULO 2. El presente Protocolo tendrá la misma duración que el Tratado para la Proscripción de las Armas Nucleares en la América Latina del cual es Anexo, aplicándose a él las cláusulas referentes a la ratificación y denuncia que figuran en el cuerpo del Tratado.

ARTÍCULO 3. El presente Protocolo entrará en vigor, para los Estados que lo hubieren ratificado, en la fecha en que depositen sus respectivos instrumentos de ratificación.

En testimonio de lo cual, los Plenipotenciarios infrascritos, habiendo depositado sus Plenos Poderes, que fueron hallados en buena y debida forma, firman el presente Protocolo en nombre de sus respectivos Gobiernos.

POR EL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE:

N.J.A. CHEETHAM

POR EL REINO DE LOS PAISES BAJOS:

S. VAN HEEMSTRA

POR LOS ESTADOS UNIDOS DE AMERICA:

JIMMY CARTER

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